



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 5, 2016

TO: Pat Hachiya
Hearing Officer

FROM: Carl Nadela, AICP
Zoning Permits East Section

SUBJECT: Project No. R2013-00430-(5)
Conditional Use Permit No. 201300008
HO Meeting: July 5, 2016
Agenda Item: 5

Please find attached revised Findings for the above project, as directed. Also, for your information, please find attached the revised Burden of Proof Statement submitted by the applicant.

If you need further information, please contact Carl Nadela at (213) 974-6435 or cnadela@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

SUGGESTED MOTIONS:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND ADOPT THE MITIGATED NEGATIVE DECLARATION AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE OAK TREE PERMIT NUMBER 201300008 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-00430-(5)
OAK TREE PERMIT NO. 201300008**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Oak Tree Permit No. 201300008 ("OTP") on July 5, 2016.
2. The permittee, Jin Hae Lew ("permittee"), requests the Oak Tree Permit to authorize the removal of two oak trees and the encroachment into the protected zone of five oak trees, in conjunction with past unpermitted grading and proposed remedial grading ("Project") on a property located at 2831 Eaton Canyon Drive in the unincorporated community of Kinneloa Mesa ("Project Site").
3. The past unpermitted grading was undertaken by the applicant around 2009 or 2010 to increase the usable area of the fairly steep lot. The proposed remedial grading is intended to correct and mitigate the impacts of this past unpermitted grading and includes the removal of existing retaining walls, some of which encroach within the public right of way; the construction of three new, code-compliant retaining walls; construction of new drainage devices, cut and fill grading of 1,094 and 1,240 cubic yards respectively and the over-excavation, alluvial removal and compaction of a damaged and eroded area with a total 2,223 cubic yards. After the grading activities, a total of 25,147 square feet is proposed to be landscaped with drought resistant vegetation with an irrigation system.
4. The Project is located at 2831 Eaton Canyon Drive, Pasadena CA 91107.
5. The Project Site is 1.3 acres in size and consists of one legal lot. The Project Site is roughly rectangular in shape with steep slopes and hilly topography and is developed with a Single Family Residence.
6. The Project Site is located in the Northeast Pasadena Zoned District and is currently zoned R-1-40000 (Single-Family Residences with a Minimum Lot Requirement of 40,000 square feet).
7. The Project Site is located within the Low Density Residential (1) land use category of the Los Angeles County General Plan Land Use Policy Map.
8. Surrounding Zoning within a 500-foot radius includes:

North: R-1-40000
South: City of Pasadena
East: R-1-40000
West: City of Pasadena

9. Surrounding land uses within a 500-foot radius include:

North: Single Family Residences, school
South: Reservoir
East: Vacant
West: Southern California Edison Easement

10. Ordinance 1494 was adopted on May 2, 1927, which established the different zoning designations for the unincorporated areas of Los Angeles County.

Ordinance 5455 was adopted on March 17, 1945, which established the R-1-40000 zoning on the subject property.

Ordinance 10710 was adopted on June 28, 1973, which retained the R-1-40000 zoning on the subject property.

Ordinance 11515 was adopted on April 26, 1977, which created the Kinneloa Mesa Equestrian District, which included the subject property.

Code Case No. 09-0015315 was opened on the property on June 18, 2009, for unpermitted encroachments into the oak trees at the site. This case was closed upon the application of this Oak Tree Permit.

11. The site plan for the Project depicts the Project Site with a single family residence in the northwest portion of the property. Scattered throughout the site are 13 oak trees identified as coast live oaks in an oak tree report dated January 27, 2016, prepared by Jan C. Scow, arborist.

12. The Project Site is accessible via Eaton Canyon Drive to the west.

13. Two parking spaces are provided for the existing four bedroom, four bath single family residence.

14. A letter from the County Fire Department, Forestry Division, dated June 23, 2016, was received indicating that the Oak Tree Report is accurate and complete as to the location, size, condition, and species of the oak trees at the site. Their proposed conditions are attached to the Conditions of Approval of this Oak Tree Permit.

15. Prior to the Hearing Officer's public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, Regional Planning staff determined that a Mitigated Negative Declaration ("MND") was the appropriate environmental document for the Project. The mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project.

16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by library, newspaper and Department of Regional Planning website posting.
17. Staff received an email dated June 3, 2016, from the past Vice President of the Santa Clarita Oak Conservancy in opposition to the project. The letter indicated that the remedial grading should not be allowed to affect any oak trees because of the applicant's illegal activities. A question was also raised about where the mitigation trees will be located.

18. *To be inserted after the public hearing to reflect hearing proceedings.*

19. The Hearing Officer finds that the proposed oak tree removals and encroachments are consistent with the 1 (Low Density Residential) land use designation of the Los Angeles County General Plan.

The project will allow the proposed remedial grading activities to proceed, which will correct and mitigate the adverse effects of past unpermitted grading. This will help ensure that the project site will be compatible with the surrounding residential areas, consistent with the Low Density Residential designation of the site.

20. The Hearing Officer finds that the proposed oak tree removals and encroachments are consistent with the development standards of the R-1 (Single-Family Residence Zone).

This approval of this Oak Tree Permit will satisfy the requirements of Title 22 for the proposed oak tree removals and encroachments. The existing single-family residence was built in 1991 and is compliance with the R-1 development standards. The proposed grading will be reviewed and approved separately by the Department of Public Works.

21. The Hearing Officer finds that the proposed oak tree removals and encroachments meet the Oak Tree Permit Burden of Proof requirements pursuant to Section 22.56.2100 of the County Code.

22. The Hearing Officer finds that the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, on the subject property.

The Oak Tree Report submitted by the applicant and reviewed by the County Forester, as well as this Oak Tree permit, contains conditions and mitigation measures that are intended to protect the remaining trees. With the implementation of these conditions and mitigation measures, the health of the remaining trees will not be endangered.

23. The Hearing Officer finds that that the proposed project will not result in soil erosion through the diversion of increased flow of surface waters which cannot be satisfactorily mitigated.

The project will allow the implementation of remedial grading activities at the site, which will correct and mitigate adverse impacts, including soil erosion, that have been caused by unpermitted grading in the past. The implementation of this remedial grading will satisfactorily mitigate any soil erosion that already exists at the site or may result from this project.

24. The Hearing Officer finds that that the proposed removal and encroachment of the oak trees are necessary as continued existence and/or non-encroachment of the oak trees at their present locations frustrates the planned improvement or proposed use of the subject property to such an extent that it precludes the reasonable and efficient use of such property for a use otherwise authorized.

Thirteen oak trees are scattered throughout the site and their cumulative protective zones cover a substantial portion of the property. It would not be reasonable to completely avoid the removal or encroachment into the protected zones of these trees. As designed, the project proposes to remove only two oak trees and minimize and or mitigate the encroachment into the remaining oak trees at the site.

25. The Hearing Officer finds that that the proposed removal and encroachment of oak trees will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

Since the applicant has met the required Burden of Proof, the approval of this Oak Tree Permit will satisfy and therefore, be consistent with, the requirements of the oak tree permit procedure as per Sections 22.56.2050 to 22.56.2250 of the Zoning Code.

26. The Hearing Officer finds that pursuant to section 22.56.2130 of the County Code, the community was properly notified of the public hearing by newspaper posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Temple City Library located at 5939 Golden West Avenue, Temple City, CA 91780.

27. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56 of the County Code on the subject property; and
- B. That the proposed removal and encroachment of the oak trees will not result in soil erosion through the diversion of increased flow of surface waters which cannot be satisfactorily mitigated; and

- C. That the proposed removal and encroachment of the oak trees are necessary as continued existence at present locations frustrates the planned development and proposed use of the subject property to such an extent that placement of such trees precludes the reasonable and efficient use of such property for a use otherwise authorized; and
- D. That the proposed removal and encroachment of oak trees will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

THEREFORE, THE HEARING OFFICER:

- 1. Certifies that the MND for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the MND and that the MND reflects the independent judgment and analysis of the Hearing Officer as to the environmental consequences of the Project; certifies that it considered the MMRP, finding that it is adequately designed to ensure compliance with the mitigation measures during Project implementation; determined that on the basis of the whole record before the Hearing Officer that there is no substantial evidence that the Project will have a significant effect on the environment; adopts the MND and finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; and
- 2. Approves Oak Tree Permit No. 201500008, subject to the attached conditions.

ACTION DATE: July 5, 2016

MB:CN
6/22/2016

c: Zoning Enforcement, Building and Safety



OAK TREE PERMIT BURDEN OF PROOF

Please identify the number of oak trees proposed for:

2 Removal 5 Encroachment 6 To Remain 8 Total existing oak trees

Pursuant to Zoning Code Section 22.56.2100, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees subject to Part 16 of Chapter 22.56, if any, on the subject property.

TWO TREES TO BE REMOVED FOR REMEDIAL GRADING

B. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated.

TO START REMEDIAL GRADING TO MITIGATE UNPERMITTED GRADING

C. That in addition to the above facts, at least one of the following findings must apply:

1. That the removal of oak tree(s) proposed is necessary as continued existence at present location(s) frustrates the planned improvement or proposed use of the subject property to such an extent that:
 - a. Alternate development plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive, or
 - b. Placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized, or
2. That the oak tree(s) proposed for removal or relocation interfere with utility service or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or
3. That the oak tree(s) proposed for removal, with reference to seriously debilitating disease or danger of falling, is such that it cannot be remedied through reasonable preservation procedures and practices.

TO START CONSTRUCTION OF RETAINING WALLS. REQUIRED BY THE REMEDIAL GRADING PLAN.

That the removal of the oak tree(s) proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure.

REMAINING TREES WILL BE PROTECTED.

OWNER - X  7-5-16